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February 10, 1997

Ms. Michele Farquhar, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
Room 5002
2025 M Street, N. W.
Washington, D. C. 20554

Re: PR Docket No. 92-235
Ex Parte Presentation

Dear Ms. Farquhar:

During a recent meeting with your staff, representatives of the International Taxicab and Livery Association raised several concerns about a two-pool approach to consolidation. Among these was the effect on the taxi industry's conventional paired channel operation.

As ITLA has explained previously in this proceeding (see its Reply Comments filed July 30, 1993, a copy of which is attached hereto), its paired VHF operations do not mesh with other users' single channel VHF operations. This results from the fact that taxi systems typically transmit on one VHF frequency and receive on a different VHF frequency (an arrangement which prevents cross-talk among drivers). Mutual interference can and is created with other users operating in the same area in a single channel simplex mode especially given the intense radio usage which characterizes taxi systems.

The Commission has recognized this in the case of Business Radio Service users and, for that reason, has geographically separated Taxi and Business Service use of the same channels. See Rule 90.93(c)(2), 90.75(c)(9) and 90.173(i); see also Report and Order in PR Docket No. 88-373, 4 FCC Rcd 5756, 5759 (1989), recon. granted in part 5 FCC Rcd 4784 (1990). Yet, under a two pool scenario the agency would be creating many times over the very same conditions which it has carefully avoided in the past.

Among the various means of minimizing such difficulties, sharing problems for the taxi industry will be minimized if the Commission should adopt a Land Transportation pool as advocated by ITLA and other transportation industries. The taxi industry has been able to successfully share frequencies for years with the Motor Carrier Radio Service; it is likewise confident of its ability to share with Automobile Emergency and Railroad users. Such is not the case with other non-transportation user groups.

Regardless of the number of pools ultimately adopted, however, it is imperative that the Commission preserve the limitation for paired channel operation in the VHF band. Currently, limitation 18 in the Taxicab Radio Service incorporates by reference the provision of Rule 90.173 including subsection (i). Rule 90.173(i) prescribes in pertinent part that:

> In the Taxicab Radio Service, in the 150 MHz range, the frequencies may be assigned in pairs with the separation between base and mobile frequencies being 5.26 MHz. A mobile station may be assigned the frequency which would normally be assigned to a base station for single-frequency operation. However, this single frequency operation may be subject to interference that would not occur to a two-frequency system.

As discussed above and as Rule 90.173(i) itself recognizes, interference results from mixing single and paired channel operations. Accordingly, the agency should prescribe continuation of the paired channel rule for all existing Taxi Service VHF frequencies as well as the new channels created therefrom via narrowbanding.[1] Moreover, if the Commission should opt for two pools without a Land Transportation pool, paired channeling should be made mandatory on these frequencies given the wide variety of disparate users who would become eligible for licensing thereon. and the sharing problems that would arise.

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ITLA hopes that in a zeal to consolidate, the current Commission will not overlook the past 50 years of licensing history. For a great many users, shared channel operation will remain the order of the day; a modest regard for user compatibility as urged

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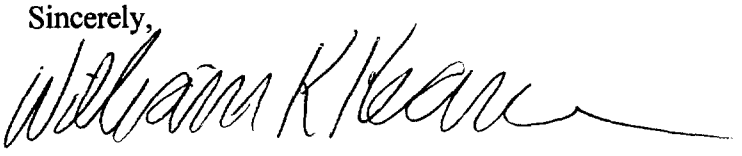
[1] The balance of Rule 90.173(i) prescribes that frequencies in the UHF bands are normally assigned in pairs irrespective of Radio Service. This of course should be preserved as well.

above will save these users from unnecessary, perhaps crippling, interference. In all events, protection must be afforded for taxi systems' paired channel operation.

An original and one copy of this letter is supplied for inclusion in the Commission's docket file.

Sincerely,



William K. Keane

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Replacement of Part 90 by Part 88	)	PR Docket No. 92-235
to Revise the Private Land Mobile	)	
Radio Services and Modify the	)	
Policies Governing Them	)	

TO: The Commission

REPLY COMMENTS OF INTERNATIONAL TAXICAB AND LIVERY ASSOCIATION

International Taxicab and Livery Association ("ITLA"), by its counsel, hereby responds to certain issues raised in the opening comments. In particular ITLA opposes that portion of the Comments filed by National Association of Business and Educational Radio ("NABER") which suggests that the Taxicab Radio Service should be consolidated in a Business pool. In support ITLA submits the following:

BACKGROUND

ITLA is an international trade association representing private ground transportation fleets which offer their services for hire. ITLA's membership includes providers of taxi, limousine, livery, van and minibus services. This membership includes approximately 900 fleet operators in the United States, Canada and 12 other countries. Besides representing nearly half of all taxicabs in the United States, ITLA's membership

includes, for example, the operators of airport ground transportation fleets serving all of the major metropolitan airports in the U.S., fleets such as The Washington Flyer serving Dulles and Super Shuttle serving Los Angeles International Airport.

The industry transports about two billion passengers per year with no tax-dollar support. Twenty percent, or 1-out-of-5 passengers using public transportation are transported by the taxicab industry: Taxis are thus an essential element of this country's public transportation network which serves to reduce traffic congestion, improve air quality and increase public mobility. By contrast, taxpayer-subsidized mass transit systems carry about 8-9 billion passengers at a cost in excess of $13 billion in tax dollars. About 60 percent of all passengers using public transit and taxicabs are disadvantaged, i.e. low income persons, the elderly, the disabled and the unemployed. In many communities ITLA members provide the only means of public transportation.

Among its many services to the industry, ITLA serves as the Commission-certified coordinator for the Taxicab Radio Service. This coordination facilities utilization of the limited spectrum resource in ways which meet the special requirements of the private ground transportation industry.

ITLA has participated in joint comments filed in this proceeding with American Trucking Associations, Inc., Manufacturers Radio Frequency Advisory Committee, Inc., and Forest Industries Telecommunications. Those comments have argued strongly that, if any consolidation is adopted, the Taxicab Radio Service should be included in a Land Transportation pool.

In its opening Comments NABER presented a consolidation plan which would merge two-way and one-way private carriers, Special Emergency, Automobile Emergency and the Taxicab Radio Service into a Business pool, and assign other transportation Radio Services (Railroads and Motor Carrier) to a Land Transportation pool. NABER's proposal for the Taxicab Radio Service is contrary to fundamental differences in the way users in the Taxicab and Business Radio Services operate, to the quite different rules pertinent to each Service, and to recent Commission decisions.[1/]

DISCUSSION

I. Taxicab and Business Radio Operations Are Not Compatible.

Because of heavy channel loading and virtually continual base-to-mobile communications, the great majority of eligibles in the Taxicab Radio Service are licensed for paired channels. Under this arrangement, one VHF or UHF channel is used exclusively for base-to-mobile dispatch communication, while a paired channel is used exclusively for mobile-to-base communication.[2/]

On the other hand, because of less frequent use by each mobile unit, eligibles in the Business Radio Service are typically licensed for only one channel.

[1/] Industrial Telecommunication Association, Inc. et al contemplates consolidation of the Taxicab Radio Service in a catch-all pool with a vast diversity of other users. For the reasons stated herein and in the Coalition Comments and Reply Comments, such an approach would be also seriously deficient.

[2/] This configuration permits the taxi dispatcher to continually dispatch taxicabs, while avoiding cross-talk between drivers. See Memorandum Opinion and Order on Reconsideration in PR Docket No. 88-373, 5 FCC Rcd 4784, 4790 n. 45 (1990).

Business Radio Service eligibles usually have no specific need for paired channels which are the lifeblood of Taxicab Radio Service operations.

The fundamental differences in the operations of the Taxicab Radio Service and the Business Radio Service make coordination between the two Services difficult and, if the Services were consolidated, would render many frequencies virtually unusable to ground transportation interests. On the one hand, the ground transportation industry could not make effective use of paired channels if NABER coordinated them on a one-frequency simplex basis for business operations. On the other hand, businesses could only use half of these channels if NABER reserved 157 MHz channels, for example, for taxicab mobile use. Either way spectrum is wasted.

Additionally, taxicab communications would suffer massive amounts of interference if taxicab radio systems were licensed on paired channels (as they now operate) while business simplex radio systems were licensed on both channels.[3/] Thus, there is no regulatory alternative under which Business and Taxicab Radio licensees could share these channels in the same area in a compatible and efficient manner.

The difficulties involved in coordinating Taxicab and Business use of the same frequencies is a matter of record with the Commission. The agency remarked as recently as four years ago on the differing modes of communication between the two

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3/ This stems from the fact that the dispatcher transmits, for example, only on a 152 MHz frequency and receives only on a 157 MHz frequency. This means the dispatcher has no way of monitoring the base station frequency; likewise drivers have no way of monitoring their transmit frequencies.

Services -- including ground transportation's heavy channel utilization leading to paired frequency operations vs. the less frequent, single channel operations of Business users. Based on such factors the agency concluded that the two groups of users "may be operationally incompatible" and that "[R]equiring them to share spectrum might prove to be an unproductive means of satisfying either of their spectrum requirements." Report and Order in PR Docket No. 88-373, 4 FCC Rcd 5756, 5759 (1989), recon. granted in part 5 FCC Rcd 4784 (1990). Accordingly the agency made separate allocations for the two Services rather than assigning the subject VHF frequencies to both on a shared basis.

According to NABER its pools were organized based on "which current radio services share the majority of channels under the existing rules." Id. at n. 9. But even by this standard there is no reason for the ground transportation industry to be pooled with the Business Radio Service: of the 14 pairs of VHF frequencies allocated to the Taxicab Radio Service, only seven are also allocated to Business users and these 7 may only be used by Business in rural areas; ground transportation use of the same channels is restricted to urban areas.[4/] Those VHF frequencies for which Taxicab enjoys a nationwide allocation are off-limits to Business. See Rules 90.93 (Note 2) and 90.75 (c)(9).[5/] In the UHF band, Taxicab shares eight pairs out of twelve (12) with Forest Industries in four states in the Pacific Northwest only; there is no sharing with Business.

[4/] Even in rural areas, Business licensees are secondary to Taxicab licensees operating in the adjacent urban areas. Rule 90.75(c)(9).

[5/] One VHF pair is shared with Forest Products and Special Industrial (152.465/157.725)(MHz).

In short pooling the Taxicab and Business Services would be a disservice to both: coordination would be often impossible; mutual interference would magnify; and spectrum resources would be wasted.

II. The Taxicab Radio Service Is Properly Part Of Land Transportation.

If any pooling is to be adopted, the only sensible solution is to assign the Taxicab Radio Service to the Land Transportation pool. Taxicab has long been part of Subpart E of Part 90 which governs the Land Transportation Radio Services; indeed, many licensees in the private ground transportation industry are eligible in both the Taxicab and Motor Carrier Services. Moreover, Taxicab Radio Service users -- like those in the Motor Carrier and Railroad Radio Services -- operate with power up to 75 watts (Business users may operate with power up to 350 watts) (Rule 90.205(b) and Note 3.)[6/]

It should not be surprising, therefore, that ITLA has found the most compatible Service with which to share is Motor Carrier: interference problems between

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[6/] Such power disparities are particularly serious when high power Business units operate adjacent to taxicab mobile channels which have a power of only 20 watts, for example, without any fixed geographic separation. See Memorandum Opinion and Order, supra, 5 FCC Rcd at 4787. As the Commission is aware, the ground transportation industry has suffered persistent interference problems from high-powered paging operations as much as 30 KHz removed from taxicab channels. See Report and Order in PR Docket No. 88-373, supra, 4 FCC Rcd at 5759-60 (allowing high power operations 15 KHz removed from Taxicab channels would be "inadvisable" due to potential interference); Memorandum Opinion and Order supra, 5 FCC Rcd at 4786 (1990) (rejecting NABER argument that careful coordination would be enough to prevent co- and adjacent channel interference from high power systems).

over-the-road truckers and ITLA members has been minimal; coordination has been efficient; and sharing harmonious.

If all this were not enough, a word should be added about the significance of clear communications channels to safety in the ground transportation industry.

Because drivers carry cash, they are frequent victims of attempted robbery and/or assault. In fact, a current study indicates that there were approximately 8,000 assaults per 100,000 taxicab drivers for 1991 and 1992 combined[7/]. A U.S. Department of Health and Human Services study[8/] reports that there were 15.1 homicides per 100,000 chauffeurs and taxicab drivers during the period 1980-1989; a taxicab driver is more than 21 times more likely to be murdered on the job than the average worker. Compared with the national rate of 0.7 homicides per 100,000 workers for all professions, these data indicate drivers' extreme need for properly functioning safety equipment.

Ground transportation companies use radios as safety features in a number of ways. For example, many companies use code words over the radio to indicate that a driver is in trouble. Also, many vehicles are equipped with a hidden button to activate the mike when the driver feels he is in a threatening situation. Radio notification coupled

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7/ Bienvenu, Michael E., *Investigation of Assaults on Taxi Drivers*. (1993) (unpublished project report, Department of Civil Engineering, North Carolina State University, Raleigh, NC) p. 37.

8/ Bienvenu, p. 2.

in some cases with automatic vehicle location devices allows help to arrive as quickly as possible. In short, radios are the driver's connection to the world. Clear communications help keep the driver safe, and may even prevent assaults by making a potential assailant aware that the driver is not completely isolated.

Radios in taxicabs not only protect drivers, but in some areas drivers protect the general public by providing information over their radios to police. Because taxicabs are generally found in all areas of the urban environment, drivers may see crimes or suspicious people in locations where policemen may not be patrolling at the time. Thus, taxicab drivers may prevent a crime or, at least, facilitate a quick response by police. This service is especially valuable in times of tight fiscal restraints such as the present, when the budget and staff of many police departments have been constrained. As additional eyes and ears of the police, it is crucial that taxicab communications be interference-free.

In other words, clear channels are critical in the campaign to reverse the alarming incidence of assaults on drivers and to public safety generally. While safety may be an overused concept (there is probably no Radio Service group which has failed to argue the safety needs of its users in this docket), there are very few Radio Services where radio plays as important a role in worker safety. The Commission's decision on consolidation would be grievously deficient were it not to take proper account of the safety-enhancement in clear ground transportation channels. This factor too militates

strongly in favor of Land Transportation -- not Business -- pooling for the Taxicab Radio Service.

CONCLUSION

For all the foregoing reasons ITLA urges that, if the Commission determines to adopt any consolidation for the Taxicab Radio Service, such consolidation should be with the other Land Transportation user groups.

INTERNATIONAL TAXICAB
AND LIVERY ASSOCIATION

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July 30, 1993